

S/N 10/623,794

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Applicant: Leonard Forbes et al.

Examiner: Michelle Estrada

Serial No.: 10/623,794

Group Art Unit: 2823

Filed: July 21, 2003

Docket: 1303.108US1

Title: GETTERING USING VOIDS FORMED BY SURFACE TRANSFORMATION

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This responds to the Restriction Requirement mailed October 5, 2004. Restriction to one of the following was required: Species I (Fig. 1); Species II (Fig. 2); Species III (Fig. 3); and Species IV (Fig. 15).

Applicants hereby provisionally elect, with traverse, Species I, identified by the Examiner as Fig. 1. Consonant with this provisional election, Applicants respectfully request consideration of claims 1-17 and 34-38.

Applicants respectfully traverse the characterization of the first species (Fig. 1) as forming a predetermined arrangement of a plurality of holes in the semiconductor wafer through a surface of the wafer, and the second species (Fig. 2) as precisely forming a plurality of holes through a surface of a semiconductor substrate in a precise arrangement. Applicants find the language used to characterize the restriction to be confusing, particularly since both Figs. 1 and 2 are identified in Applicants' specification as illustrating a semiconductor structure having a gettering region with precisely formed voids at precise locations (page 4, lines 8-13; page 6 lines 20-21; page 7, lines 10-11). Should the restriction be maintained, Applicants respectfully request the Examiner to clearly identify the rationale for the identified restriction.

Additionally, Applicants respectfully traverse the assertion that no claims are generic, and respectfully submit that at least claim 1 is generic to independent claims 18, 26, 39 and 45. Thus, upon the allowance of claim 1 or any other generic claim, Applicants respectfully request consideration of claims 18-33 and claims 39-47, pursuant to 37 CFR 1.141.

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Should the Examiner disagree with Applicants' submission that claim 1 is generic, Applicants respectfully request the Examiner to clearly identify why claim 1 is not considered to be generic to claims 18, 26, 39 and 45. Pursuant to MPEP §809.02(e), should the Examiner allow claim 1 (or another claim asserted to be generic) but find that a claim directed to a species is not in the required form, Applicants remind the Examiner of their rights to be notified of allowance of a generic claim and be given a time frame to conform all of the claims to the nonelected species to fully embrace an allowed generic claims.

*When the application is otherwise ready for issue and there is an allowed generic claim, and applicant has not be previously notified as to the allowance of a generic claim, applicant must be advised of the allowance of the generic claim and given a time limit of 1 month (not less than 30 days) to conform all of the claims to the nonelected species to fully embrace an allowed generic claim or the examiner will cancel the claims to each nonconforming species by examiner's amendment and pass the application to issue. MPEP 809.02(c).*

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Conclusion

Applicants respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LEONARD FORBES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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Date

10-25-04

By

Marvin L Beekman

Marvin L Beekman

Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26 day of October, 2004.

Name

KACIA LEE

Signature

Kacia Lee

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Due Date: November 5, 2004

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Response to Restriction Requirement (3 Pages).
- ☒ A Communication Concerning Related Applications (3 pgs.).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Customer Number 21186

By: Marvin L. Beekman  
Atty: Marvin L. Beekman  
Reg. No. 38,377

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KACIA LEE  
Name

Kacia Lee  
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)